



## **PLANNING COMMISSION AGENDA**

**Wednesday, October 25, 2006**

**6:30 p.m. General Plan / Regular Meeting  
Council Chambers  
City Hall Wing**

**200 East Santa Clara Street  
San Jose, California**

**Xavier Campos, Chair  
James Zito, Vice-Chair**

**Dang T. Pham      Bob Dhillon  
Christopher Platten  
Ash Kalra      Matt Kamkar**

**Joseph Horwedel, Acting Director  
Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, October 25, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

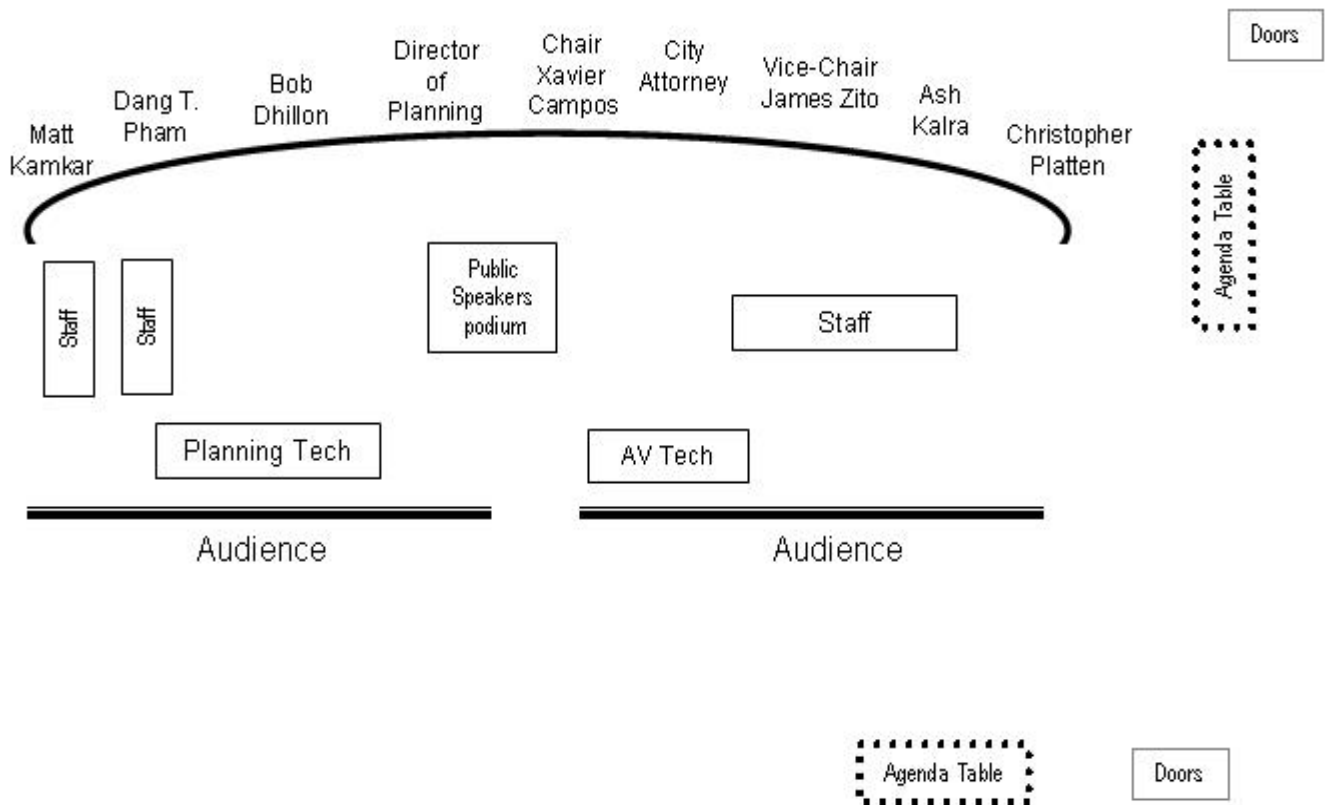
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP06-013**. Conditional Use Permit to allow operation after midnight until 3:00 a.m. at an existing restaurant on a 0.33 gross acre site in the CP Commercial Pedestrian Zoning District, located on the west side of South 1st Street, approximately 200 feet northerly of Goodyear Street (1065 SOUTH FIRST STREET) (Panchal Kishore M and Aruna K, Owners). Council District: 3. SNI: Washington. CEQA: Exempt.

**DEFER TO 12-6-06**

- b. **PDC05-091**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a Residential Care Facility (Senior Assisted Living) with up to 98 units above an underground parking facility located on the southwest corner of Meridian Avenue and Curci Drive (993 MERIDIAN AV) (Merrill Gardens at Willow Glen LLC, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

**DEFER TO 11-15-06**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **STREET VACATION**. Vacation of a portion of Paula Street between Race Street and Meridian Way with reservation of a public service easement and emergency access easement (Michael Abdollahi, Rockwell Homes, Applicant). Council District 6. SNI: None. CEQA: Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of the subject vacation as recommended by Staff.

- b. **STREET VACATION**. The vacation of an alleyway between Almaden Avenue and Vine Street from Edwards Avenue northeast approximately 250 feet (City of San Jose, Applicant). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of the subject alleyway vacation as recommended by Staff.

- c. **CP06-052**. Conditional Use Permit to allow residential care facility for senior assisted living with approximately 48-rooms (approximately 104 beds) at an existing 34,230 square-foot building on a 0.73 gross acre site in the R-M Multiple Residence Zoning District, located at/on north side of Prospect Road, approximately 700 feet westerly of Lawrence Expressway (5555 PROSPECT RD) (Smd Enterprises Fontana Llc, Owner). Council District 1. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow residential care facility for senior assisted living as recommended by Staff.

- d. **CP06-039**. Conditional Use Permit to allow the conversion of an existing hotel to a senior housing/residential care facility in the CG Commercial General Zoning District located at the southwest corner of North 4th Street and East Rosemary Street (1275 N 4TH ST) (Cal Alta Mgt Usa Llc, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow the conversion of an existing hotel to a senior housing/residential care facility as recommended by Staff.

- e. **CPA02-074-01**. Conditional Use Permit Amendment to allow a daycare facility/ program in an existing church building on a 5.27 gross acre site in the IP Industrial Park Zoning District, located on south side of Eden Park Place, approximately 1,100 feet westerly of Silicon Valley Boulevard (5886 EDEN PARK PL) (Church Of The Crossroads Sc Vly, Owner). Council District 2. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit Amendment to allow a daycare facility/ program in an existing church building as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

- a. **PDC06-055**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 23 single-family detached residences on a 1.68 gross acre site, located at/on the southeast corner of Foxworthy and Leigh Avenues (3002 LEIGH AV) (Leigh Avenue Partners LLC, Owner; Dal Properties LLC, Mark Lazzarini, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the

City Council conditional approval of Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 23 single-family detached residences as recommended by Staff.

- b. [CPA00-051-01](#). Conditional Use Permit Amendment for the renewal of the original permit for an existing drinking and entertainment establishment, on a 0.64 gross acre site in the Light Industrial Zoning District, located on west side of Oakland Road approximately 430 feet south of Horning Street. Council District 3. SNI: 13<sup>th</sup> Street. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit Amendment for the renewal of the original permit for an existing drinking and entertainment establishment as recommended by Staff.

- c. [PP06-100](#). Protest of a Draft Mitigated Negative Declaration (MND) for a proposed household hazardous waste drop-off facility located on a currently vacant 1.8-acre portion of a 4.2-acre City-owned parcel at the southeast corner of Las Plumas Avenue and Nipper Avenue (1608 Las Plumas Avenue). The Director of Planning, Building, and Code Enforcement adopted an MND for the proposed project on September 22, 2006, pursuant to the California Environmental Quality Act (CEQA). The Director's decision to adopt an MND was based on an initial study that concluded that the proposed project would not result in any significant adverse impacts on the physical environment. Project proponent: City of San Jose Environmental Services Dept. Person filing protest: William Stauble. Council District: 3. SNI: None.

**Staff Recommendation:**

Uphold the Director's decision to adopt a Mitigated Negative Declaration as recommended by Staff.

**5. OPEN PLANNING COMMISSION FALL 2006 HEARING ON GENERAL PLAN AMENDMENTS**

**6. GENERAL PLAN CONSENT CALENDAR**

- a. The projects being considered are on an approximately 3.4-acre site, located generally on both sides of Towers Lane, between Aborn Road and Amberly Lane (Various Owners/City of San Jose, Applicant). Council District 7. SNI: West Evergreen. CEQA: Negative Declaration.
1. [GP06-07-05](#). City Council Initiated General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC).

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a City Council Initiated General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential as recommended by Staff.

2. [CC06-058](#). City Council Initiated Conventional Rezoning from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of City Council Initiated Conventional Rezoning from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses as recommended by Staff.

**7. GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. [GP05-02-05](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) on 4.84 acres to Medium Density Residential (8-16 DU/AC) on a 3.48-acre portion and Private Open Space on a 1.36-acre portion of a 4.64-acre site located at the southeasterly portion of Valley Christian School campus, 210 feet westerly of Del Rey Avenue (South Valley Christian Church, Owner/Applicant). Council District 2. SNI: None. CEQA: Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of staff alternative General Plan amendment recommendation to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Public/Quasi-Public on 4.84 acres.

**8. CONTINUE THE PLANNING COMMISSION HEARING FOR THE 2006 FALL GENERAL PLAN AMENDMENTS TO NOVEMBER 8, 2006**

**9. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

## **11. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Evergreen East Hills Vision Strategy Task Force (Zito)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Review of Annual Report

## **12. ADJOURNMENT**



## 2006 PLANNING COMMISSION MEETING SCHEDULE

<b>Date</b>	<b>Time</b>	<b>Type of Meeting</b>	<b>Location</b>
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City ( <i>Joint session with Parks Commission</i> )			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers